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Rep. Peggy Welch
Rep. Dennis Tyler



INTERIM STUDY COMMITTEE ON PUBLIC HEALTH AND SAFETY MATTERS

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MEETING MINUTES¹

Meeting Date: September 7, 2006
Meeting Time: 10:00 A.M.
Meeting Place: State House, 200 W. Washington
St., Room 431
Meeting City: Indianapolis, Indiana
Meeting Number: 1

Members Present: Sen. Sue Landske, Chairperson; Sen. Marvin Riegsecker; Sen. Vaneta Becker; Sen. Billie Breaux; Sen. Vi Simpson; Sen. Frank Mrvan; Rep. Troy Woodruff, Vice-Chairperson; Rep. William Davis; Rep. Woody Burton; Rep. Peggy Welch.

Members Absent: Rep. Dennis Tyler; Rep. Russ Stilwell.

Chairperson Landkse called the meeting to order at 10:15 a.m. The members of the Committee introduced themselves and the Chairperson reviewed the Committee's charges.

1. Smoke Detectors and Sprinkler Systems in Health Facilities, Including Nursing Homes (SR 34 and SR 42-2006)

Mary Ann Maroon, representing the Indiana Health Care Association (IHCA), stated that a bill on this topic did not proceed due to time issues during the 2006 Session. Currently

¹ Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.in.gov/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

there are 9 health facilities without sprinklers and 20 partially sprinklered (Exhibit A) in Indiana. To retrofit with sprinklers would cost, on average, \$240,000; some are masonry construction. Ms. Maroon remarked that the State Department of Health website has information regarding sprinkler status in nursing homes; IHCA would like to also see smoke detector status on the website. Discussion ensued as to whether the deadline for compliance should be 4 or 5 years and whether there should be a choice between hard wired or battery operated smoke detectors. During discussion, the Committee referred to preliminary draft PD 3022 (Exhibit B).

Jim Leich, representing the Indiana Association of Homes and Services for the Aging (IAHSA), was concerned about the cost of sprinkler retrofitting the older buildings of its members, most of which are non-profit institutions. While IAHSA supports PD 3022, it would appreciate as much time as possible for the required installations.

Robyn Grant, United Senior Action, distributed Exhibits C and D, concerning nursing home fire safety. Residents of nursing homes are vulnerable and need as much protection as possible. Discussion resumed regarding fire sprinklers and smoke detectors. Federal regulations require that a facility without a sprinkler system have no less than battery operated smoke detectors in each resident's room. Ms. Grant would like to see a requirement of both sprinklers and smoke detectors, as smoke can kill before a fire spreads. She would also like smoke detector status on the Department of Health website.

Daniel Raap of McDaniel Fire Systems, Valparaiso, Indiana, spoke next. His company is a full service contractor that installs and maintains sprinklers and fire alarm systems. He feels that nursing home residents are at higher risk for fire injury and that disabilities, medications, and ongoing staff shortages increase the risk. Approximately 1200 older Americans die each year in fires. Installation of smoke detectors can be done more reasonably when combined with routine reinstallation of sprinkler systems. He stated there are two types of smoke detectors, ionization detectors and photoelectric detectors. Discussion then ensued regarding the Veteran's Home, the Franklin Methodist Home, the Indiana Masonic Home, and the sprinkler status of each facility (Exhibit E).

Lesa Dietrick, representing the American Institute of Architects-Indiana, voiced agreement with requiring fire safety systems in health facilities. Terry Whitson, Indiana State Department of Health, stated that the procedure to place the smoke detector status on the department's website would take over a year. If smoke detectors were mandated by law, that information would not be needed. All facilities are required to have smoke detectors in hallways and common areas; some locales require more smoke detectors to conform to local building code.

Bob Decker of Hoosier Owners and Providers for the Elderly (HOPE) questioned whether all nursing homes, sprinklered or not, need to have hard wired smoke detectors in each resident's room, and reviewed requirements for sprinklers.

Robyn Grant suggested that funds from federal civil penalties imposed upon nursing homes might be able to be used for low cost loans for fire safety systems. Terry Whitson thought that to be unlikely, in that he believed that the funds can be used only for federally deficient practices. Senator Becker asked if the quality assurance closure fund could be a mechanism to supply smoke detectors; Mr. Decker responded that the fund must be used to reduce the number of nursing home beds.

2. Certification for Pipefitters

Charlie Hiltunen, representing Road Sprinklerfitters Local Union 669, believed that individuals who install sprinkler systems should be licensed or registered, the subject of PD 3026 (Exhibit F). Legislation on this subject was offered last session, but did not pass. His opinion is that proper installation is critical in order to avoid a catastrophic loss. Brian Fisher, a member of Local Union 669, has a long family tradition of installing fire sprinklers in various types of buildings. He also believed that certification would ensure competence. Discussion ensued regarding the inspection of fire systems by various entities. Mr. Fisher felt that revenue derived from this process could be used for training of the pipefitters. Some members commented that perhaps there is a problem with the inspector, not the installer; and in some instances, the failure of the fire system was due to the water being turned off. Mr. Fisher explained that sprinkler systems have water that stays in the pipes, stagnant until used; plumbers supply services for potable water.

Mr. Raap voiced his support for registration or licensing; he believes that minor changes to the design system can make a large difference in suitability. He also believed that inspectors may not actually test the functionality of the system. Jeff Hugo of National Fire Sprinkler Association stated that the National Fire Protection Association rules require the owner of a building to be responsible for the inspection.

Bruce Agan, representing a coalition of about 50% of the fire protection contractors in Indiana, furnished the Committee with information concerning fire sprinkler installation (Exhibit G). He stated that the contractor has the responsibility of providing proper installation to the customer, not the pipefitter. Pipefitters are employees of a company and are not necessarily legally responsible for the delivery of the system. He explained Exhibit G to the Committee and felt that there is no further need to regulate this profession. His organization and other trade associations do not support licensing of pipefitters; they do support properly designed and installed fire suppression systems. If the proposed legislation should pass, projects may fall through due to lack of licensed pipefitters. He believes that most fires are extinguished by sprinklers that work properly and are never reported.

3. Food Handling Permits for Tax Exempt Organizations (HR 84-2006)

Rep. Welch reviewed the history of this issue (IC 16-42-5-4; Exhibit H), which was amended in 2006, but still needs work to come to a conclusion. The section expires January 1, 2008. Rep. Cleo Duncan authored the bill last session; she stated that she had carried the bill because she was concerned about putting burdens on persons that were carrying out good acts.

Eric Miller, representing Advance America, stated that an amendment would need to be made to this section during the 2007 session. If not, individuals working with non-profit groups would need to be licensed as food handlers, change the way that they provide their ministry, or not operate food service at all. He requested that churches and Christian schools, which are not in the business of preparing and selling food, be exempt from licensing. Discussion followed concerning food borne illnesses related to non-commercial events. Dr. Dennis Ice, representing the Indiana Association of Christian Schools, stated that he had never heard of any illnesses at pitch-ins or non-profit concessions sales. He is in favor of revising the section. Glenn Tebbe, representing the Indiana Catholic Conference, stated that he is concerned with public health, but that licensing of non-profit food handlers takes the issue too far. Terry Whitson of the Indiana State Department of Health felt that confusion occurred from two differing statutes, those concerning certified food handlers and the food code. He stated that his department is open to whatever the Committee and subsequent legislation directs. Proposed language will be prepared after discussion with various parties.

4. Next Meeting of the Committee

Senator Landkse announced that the second meeting of the Committee would be held on Wednesday, October 4, at Vincennes University at 10:00 a.m. The topic will be coal mine safety (Sen. R. Young). After discussion by the committee, the third and final meeting was set for Tuesday, October 24, 2006 at the Statehouse. Railroad labor camps will be studied as proposed by Sen. Landske and HCR 68, and the final report of the Committee will be voted on. Senator Landkse adjourned the meeting at 12:45 p.m.